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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/074,188 | 02/12/2002 | Peter G. Loges | 56326-041 (IOPL-119) | 6665 |

7590 06/09/2003
MCDERMOTT, WILL & EMERY
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Boston, MA 02109-1775

EXAMINER

FASTOVSKY, LEONID M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3742

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DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,188

Applicant(s)

LOGES ET AL.

Examiner

Leonid M Fastovsky

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4, 6-9, 22-23, and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Moldenhauer (3,394,257).

Moldenhauer teaches a radiation source comprising a base 7, a curved parabolic reflector 2, two pins 6 passing through the base 7, a first pin having a first portion extending at an angle with respect to the axis, a second pin having a second portion extending at an angle with respect to the axis, a filament 11 helically wound about the pins, a window 3, and an inert gas contained within the enclosure.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 5, and 14- 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moldenhauer in view of Boland et al (5,438,233) and further in view of George et al (2002/0096492).

Moldenhauer discloses substantially the claimed features including a radiation source comprising a base, a curved reflector, two pins passing through the base, a filament helically wound around the pins, and a window. Moldenhauer does not disclose that the window is made out of different materials, filament textured features, and emissions cut-off wavelength. Boland et al shows that window includes a sapphire and germanium (Col. 3, lines 50-65), George et al shows filament textured features (Col. 2, [11]), and Boland et al shows a cut-off wavelength (Col. 2, lines 50-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use materials and a cut-off wavelength size as taught by Boland and filament textured features as taught by George et al to improve performance of the radiation source.

5. Claims 10-11, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moldenhauer in view of Wompey (3,077,531)..

Moldenhauer discloses substantially the claimed features comprising a radiation source comprising a base, a curved reflector, two pins, a filament helically wound about the pins, but does not disclose that filament's diameter varies and monotonically decreases along the axis. Wompey shows exactly these features. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the features as taught by Wompey to improve performance of the radiation source.

6. Claims 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moldenhauer in view of Karlsson (6,034,360).

Moldenhauer discloses substantially the claimed features including a radiation source comprising a base, a curved reflector, two pins passing through the base, a filament helically wound around the pins, and a window, but does not disclose filament and pin materials. Karlsson shows that filament comprises nickel-chromium and pins are made from Kovar (claims 10-11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use materials as taught by Karlsson to improve performance of the radiation source.

7. Claims 3, 12-13, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moldenhauer.

Moldenhauer teaches a radiation source comprising a base 7, a curved parabolic reflector 2, two pins 6 passing through the base 7, a first pin having a first portion extending at an angle with respect to the axis, a second pin having a second portion extending at an angle with respect to the axis, a filament 11 helically wound about the pins, a window 3, and an inert gas contained within the enclosure.

However, Moldenhauer does not disclose an elliptic reflector comprising a non-ferrous metal, and coated or plated with at least one of the aluminum, gold and silver, and that the second pin includes a third portion and a fourth portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use materials and an elliptic reflector as a matter of design choice, since the applicant has not disclose that these materials and elliptic reflector solved any stated problems or is for any particular purpose, and it appears that the invention would perform equally well with existing materials and reflector's shape.


Drawings

8. New corrected drawings are required in this application because the submitted drawings were informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 703-306-5482. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-3081327. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.


Leonid M Fastovsky
Examiner
Art Unit 3742

lmf
June 5, 2003